

Amendment and Response

Applicant: Ramin Samadani et al.

Serial No.: 10/601,809

Filed: June 24, 2003

Docket No.: 100111573-1

Title: SYSTEM AND METHOD FOR CAPTURING MEDIA

REMARKS

The following remarks are made in response to the Final Office Action mailed Feb. 3, 2009. Claims 1-36 were rejected. With this Response, claims 1-3, 5-22, and 24-36 have been amended. Claims 1-36 remain pending in the application and are presented for reconsideration and allowance.

Claim Rejections under 35 U.S.C. § 102

Claims 1-36 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,986,655 (Chiu).

Claim 1 as amended recites, *inter alia*:

producing first and second audio data with the first and the second input devices, respectively;

processing the first audio data to identify a first portion of the first audio data having a first audio characteristic;

processing the second audio data to identify a second portion of the second audio data having a second audio characteristic; and

storing a first audio record for the first portion of the first audio data and a second audio record for the second portion of the second audio data, wherein the first and the second audio records are associated with first and second temporal data, respectively, used in determining a sequence of the first portion of the first audio data in relation to the second portion of the second audio data, and wherein the first and the second audio records are associated with first and second identity data, respectively, representing first and second identifying characteristics, respectively, for the first portion of the first audio data and the second portion of the audio data, respectively.

The Office Action fails to identify a teaching or suggestion of each of the features of claim 1 in a single embodiment of Chui. *See Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) ("The identical invention must be shown in as complete detail as is contained in the ... claim."). The unrelated portions of Chiu cited in the Office Action cannot be properly combined to support a rejection of claim 1 under 35 U.S.C. §102.

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The Office Action cites the following teaching of Chui as a teaching or suggestion of “producing first and second audio data with the first and the second input devices, respectively” as recited in claim 1. Office Action, p. 3.

The input/output interface 14 communicates with any number of conventional input/output devices, such as a slide projector 16, a pointer 18, a loudspeaker 20, a mouse 22, a microphone 24, a pen 26, a keyboard 28, and an electronic whiteboard 30. Col. 4, lines 60-64.

The Office Action, however, overstates this teaching of Chui by suggesting that “[t]his would include multiple microphones.” Office Action, p. 3. This teaching of Chui suggests that any number of the set of listed devices may communicate with input/output interface 14. The teaching does not specifically suggest that multiple ones of any of the listed devices (e.g., microphone 24) may communicate with input/output interface 14. In addition, this teaching does not teach or suggest “producing first and second audio data” as recited in claim 1 using multiple microphones 24.

The Office Action cites the “speaker identification system”, col. 2, lines 36-37, referenced in the Description of Related Art section of Chui as a teaching or suggestion of “processing the first audio data to identify a first portion of the first audio data having a first audio characteristic” and “processing the second audio data to identify a second portion of the second audio data having a second audio characteristic” as recited in claim 1. Office Action, p. 3. This teaching in Chui, however, fails to teach or suggest the processing of first and second audio data that was produced with first and second input devices as recited in claim 1.

Perhaps more importantly, Chui does not teach or suggest the inclusion of the “speaker identification system” referenced in the Description of Related Art in any of the embodiments described with reference to FIGS. 1-7D. As noted above, “[t]he identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The Office Action demonstrates no connection between the “speaker identification system” and the microphone 24 of FIG. 1, for example.

Despite the failure of the Office Action to demonstrate a teaching or suggestion of processing of first and second audio data that was produced with first and second input devices as recited in claim 1, the Office Action nonetheless cites the notion of “events”

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described in the Description of Related Art as a teaching or suggestion of the remaining features of claim 1. Office Action, p. 3 (citing col. 2, lines 1-50 and col. 3, lines 40-50). Again, the Office Action demonstrates no connection between the “events” described in the Description of Related Art and any of the embodiments described with reference to FIGS. 1-7D. Accordingly, the Office Action has failed to demonstrate how Chui teaches or suggests “storing a first audio record for the first portion of the first audio data and a second audio record for the second portion of the second audio data, wherein the first and the second audio records are associated with first and second temporal data, respectively, ... and wherein the first and the second audio records are associated with first and second identity data, respectively, representing first and second identifying characteristics, respectively, for the first portion of the first audio data and the second portion of the audio data, respectively” as recited in claim 1.

Applicant respectfully requests that the rejection of claim 1 and claims 2-20 which depend from claim 1 under 35 U.S.C. §102(b) be withdrawn for at least the above reasons.

With regard to claims 2-20, the Office Action merely states that “the limitations are shown above.” Office Action, p. 3. Applicant has been unable to locate the reasoned basis for rejecting claims 2-20 based on Chui in the Office Action. Applicant respectfully notes that claims 2-20 recite features that differ from claims 22-36. Accordingly, Applicant again respectfully requests compliance with 37 C.F.R. §1.104(c)(2) which states, in pertinent part, that:

[i]n rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified. (Emphasis added.)

Applicants also respectfully requests that the rejection of claim 21 and claims 22-36 which depend from claim 21 under 35 U.S.C. §102(b) be withdrawn for reasons analogous to those given above for claim 1.

With regard to claims 22-26, the Office Action provides only broad citations to Chui for claims 22-24 and even broader citations to Chui (i.e., “Figs 1-6 of Chui et al.[col. 4, line 56 to col. 9, line 3].”) for claims 25-36. These citations do not comply with 37 C.F.R.

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§1.104(c)(2) for claims 22-36. Applicant again respectfully requests compliance with 37 C.F.R §1.104(c)(2) for claims 22-36.

CONCLUSION

In view of the above, Applicant respectfully submits that pending claims 1-36 are in form for allowance and are not taught or suggested by the cited references. Therefore, reconsideration and withdrawal of the rejections and allowance of claims 1-36 is respectfully requested.

No fees are required under 37 C.F.R. 1.16(h)(i). However, if such fees are required, the Patent Office is hereby authorized to charge Deposit Account No. 08-2025.

The Examiner is invited to contact the Applicant's representative at the below-listed telephone numbers to facilitate prosecution of this application. Any inquiry regarding this Amendment and Response should be directed to Christopher P. Kosh at Telephone No. (512) 241-2403, Facsimile No. (512) 241-2409. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,

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